

ATTACHMENT # 10

TITLE: *A- Park, Recreation and Open Space Master Plan, PROS Plan.*
Pages circle 1 to circle 3.

C- January 24, 1997 letter to Neil Pedersen on environmental
mitigation and parkland replacement with 2 attachments.
Pages circle 4 to circle 14.

July 1998

Park, Recreation, & Open Space Master Plan

A Local Land Preservation and Recreation Plan



Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning

groups, the Recreation Department, other public agencies, and staff from Park and Planning. It includes existing challenges, trends, public input, goals, objectives, and strategies for recreation needs, urban open spaces, private recreation areas in new residential developments, natural resource protection, preservation of historic and cultural resources, recreational trails, and greenways.

- A PROS Plan Implementation Study is prepared following the completion of each PROS Plan to determine how recreation facility needs can most feasibly be met in each planning area. The 1999 PROS Plan Implementation Study will propose specific sites for meeting the needs identified by the PROS Plan and further explore alternatives for public/private partnerships and joint development with other agencies.

CITIZEN PARTICIPATION AND PUBLIC INPUT RELATED TO THE PREPARATION AND IMPLEMENTATION OF THE PLAN

Obtaining information on public use of parks and opinions as to future needs was a critical part of the development of this plan. The public input process for the PROS Plan had three primary aspects:

- Surveys of the public to determine their needs include the 1995 Park User Survey, 1997 Park, Recreation, and Open Space Survey, and the 1997 Montgomery County Student Survey. Results from these surveys provided essential input into this Plan and are summarized in Chapter 6.

- Meetings with Recreation Advisory Boards and Government Center Boards, as well as some citizens associations and user groups, regarding the PROS Plan Update approved work program and issues.
- Public workshops on PROS Plan issues, as well as a Montgomery County Planning Board public hearing to obtain input on future needs and Plan recommendations.

GUIDING POLICIES, PRINCIPLES, GOALS, AND OBJECTIVES

“Policy for Parks”

This section highlights the goals and objectives used in planning for Montgomery County Parks. In 1988 the Montgomery County Planning Board adopted the “Policy for Parks” which includes the following goals and objectives for the park system. The goals and objectives are still valid and are re-affirmed by this document. These guiding policies should be followed whenever possible. Exceptions may be made by the Planning Board when it is deemed to be in the best public interest.

Goal: To acquire and maintain a system of natural areas, open spaces, and recreation facilities developed in harmony with the County’s natural resources to perpetuate an environment fit for life and fit for living.

Objectives:

Acquisition of Park Land: The objectives of the program for parkland acquisition shall be:

1. Acquisition of land for a balanced park system in the region in order to:
 - Provide citizens with a wide choice of both active and passive recreation



- opportunities as major factors in enhancing the quality of life.
 - Provide adequate parklands to accommodate conservation and preservation needs.
2. Acquisition of parkland based on the following considerations:
 - Local and regional demand for public park and recreation facilities based on current need and projected population changes.
 - Protection and preservation of natural areas.
 - Protection and preservation of watersheds.
 - Protection and preservation of cultural and historical sites.
 3. Encouraging the private dedication of land as a means of parkland acquisition.

Development and Management of the Park System

1. The objectives of the planning, design, construction, and management of the park system shall be based on:
 - Meeting the needs of recreation and preservation in a manner that is harmonious with the natural beauty and parkland physiography, reflecting concern for the environment.
 - A planned and scientific approach to resource management, cognizant of the ecological interdependencies of people, the biota, water, and soil.
2. To preserve natural resources, the Department of Park and Planning shall:
 - Limit the development of active-use areas in regional parks to no more than 1/3 of their total park acreage, with the remaining acreage designated as natural areas and/or conservation areas. Development in other categories of parks shall be determined on a case-by-case basis with full consideration of the values of the natural features.

- Prepare an environmental evaluation as part of park development or rehabilitation plans where deemed appropriate by the Park Commission.
- Review as necessary the impact of park use, development, and management practices on parkland.

Relationship to Other Public Agencies, Education, and the Private Sector.

1. The Department of Park and Planning shall encourage other public agencies, as well as the private sector, to assist in providing compatible open spaces, natural areas, and recreation facilities and opportunities in the region.
2. The Department of Park and Planning shall encourage and support research in the environmental sciences by other public agencies, institutions of higher learning, and the private sector, and support programs in outdoor education and recreation in the school system.
3. Lands and facilities under the control of The Maryland-National Capital Park and Planning Commission are held as a public trust for the enjoyment and education of present and future generations. The Commission is pledged to protect these holdings from encroachment that would threaten their use as park land. The Commission recognizes that under rare circumstances non-park uses may be required on park property in order to serve the greater public interest.

“Guiding Principles For Development of Parks in Urban Areas”

The “Guiding Principles for Development of Parks in Urban Areas” were approved by the Planning Board in 1997 and will be utilized in

Attachment C

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

January 24, 1997

Mr. Neil Pedersen, Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
707 North Calvert
Baltimore, MD 21202

Dear Mr. Pedersen:

Thank you for your letter concerning the on-going work to identify environmental mitigation and parkland replacement issues relative to the ICC Project Study.

These issues are of considerable concern to the Parks Commission. As specific information is developed through the preparation, public distribution, and subsequent review phases of the Draft Environmental Impact Statement (DEIS) we anticipate working with you and look forward to the availability of more detailed mitigation information that will allow us to see and understand the impact of ICC alternatives on our environment and park properties.

We are all aware of the fact that the ability to mitigate the impact of the several alternatives on the environment and our park system is the critical issue for this project. Replacement land should, as nearly as possible, be contiguous to existing parks, in the same watershed, preferably the same subwatershed, and duplicate the function and ecological/cultural value of lands impacted. These considerations also need to account for related edge and noise impacts where appropriate. For takings that affect park acreage beyond the proposed right-of-way, it may be necessary to consider replacement on a greater than acre-for-acre basis. The findings of the DEIS studies relative to the natural resources should address these concerns and assist in these determinations. We will need to see this impact and mitigation information to determine the adequacy of any needed replacement lands.

We acknowledge your recognition and concern that some mitigation sites will need to be considered on park property. Such specific situations will need to be presented and reviewed on a project-by-project basis. However, in accordance with previous guidance, we suggest that replacement parkland should be provided for mitigation which may be anticipated in parks. This also may be reviewed on a project-by-project basis in respect to the specific proposed mitigation measure. Our current agreement indicates that we will maintain such mitigation sites, which cost shall be borne by SHA.

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Finally, you have suggested consideration of already planned or programmed parklands for replacement lands. Our concern is to maintain no net loss in the overall park system and as such, this proposal will need further consideration as specific replacement proposals are developed.

We trust that this helps clarify our position and concerns at this time and look forward to reviewing the specific proposals as they are developed.

Sincerely,



William H. Hussmann
Chairman

WHH:JA433:ewg



January 10, 1997

Memorandum

To: Montgomery County Park Commission

Via: Rodney Irwin, Director *RIW*
Montgomery County Department of Park and Planning

From: John E. Hench, Ph.D., Natural Resources Supervisor
Natural Resources Management Group *J. E. Hench*
Joe Anderson, P.E., Planning Coordinator *JA*
Environmental Planning Division
William E. Gries, Land Acquisition Specialist *weg*
Park Planning and Development Division

Subject: InterCounty Connector (ICC) Project Study: General Park
Replacement and Mitigation Policy Guidance

Recommendation:

Staff recommends that the Park Commission approve transmittal of the attached letter (Attachment 1) to the Maryland Department of Transportation, State Highway Administration (SHA) in response to their letter concerning wetland mitigation and park replacement relative to the InterCounty Connector (ICC) study alternatives.

This letter incorporates the following policy guidance:

- Continue to follow and abide by the directives of the 1989 InterCounty Connector Memorandum of Understanding between the M-NCPPC and SHA (Attachment *A*);
- Seek replacement parkland which will, as nearly as possible, duplicate the function and ecological/cultural values of parklands impacted by the ICC project;
- Follow a preferred priority for locating replacement parkland which would be:
 - 1) contiguous to existing parkland in vicinity of area impacted;

- 2) within same sub-watershed or watershed as area impacted; and
 - 3) within Montgomery County;
- Give consideration to locating some mitigation sites in parks subject to M-NCPPC review on a project-by-project basis;
 - Require replacement parkland for these mitigation sites, subject to review on a project-by-project basis;
 - Give consideration to using properties already planned for purchase as parklands to provide the needed park replacement, subject to the ability to maintain no net loss in the overall park system's acreage; this may require that additional parkland be designated on the current park acquisition plan.

Background:

In a recent letter (Attachment 2), the SHA notes that their staff have been working with us to resolve issues related to wetland mitigation and park replacement for the ICC project. SHA believes that finding adequate sites to fulfill the mitigation and replacement requirements is likely to be one of the most challenging aspects of the ICC study process; our staff concurs with this assessment. In order to facilitate interagency efforts regarding wetland mitigation and park replacement, the SHA has asked our Department for:

- Approval of a strategy which would permit consideration of some ICC project-related wetland mitigation on park property; and
- A letter regarding the availability of replacement parkland.

As noted in SHA's letter, these requests raise a couple of related issues:

- Whether property planned or programmed as parkland would be suitable for needed ICC related park replacement (e.g., parcels in the Paint Branch Special Protection Area); and
- Whether replacement property would be required if wetland mitigation were accomplished in the parks.

The Department's Park, Recreation and Open Space Master Plan Update, adopted by the Park Commission in June 1993 (see Attachment 3), and the Intercounty Connector Memorandum of Understanding, signed by representatives of the M-NCPPC and SHA in October 1989 (see Attachment #), provide policy guidance to issues raised in SHA's letter. ||

Section C of A Policy for Parks (pages 11-13 in the Update) states the Relationship of the Department of Parks to Other Public Agencies, Education, and the Private Sector. Section C.3. is specifically applicable:

Lands and facilities under the control of the Maryland-National Capital Park and Planning Commission are held as a public trust for the enjoyment and education of present and future generations. The Commission is pledged to protect these holdings from encroachment that would threaten their use as parkland. The Commission recognizes that under rare circumstances non-park uses may be required on park property in order to serve the greater public interest.

Historically, the Park Commission has taken a hierarchical approach when evaluating non-park uses of parkland. The Commission has tended to follow a policy of avoidance as the first option followed by minimization, mitigation, and compensation.

The Memorandum of Understanding (Attachment ^{"1"}) provides an interagency understanding of park replacement, land transfer, design, implementation, impact minimization, impact mitigation, and construction management associated with the ICC project. As such, it serves as a set of mutually agreed upon principles that help guide the relationship between our two agencies throughout the life of the ICC project. Staff have recently reviewed the MOU with SHA and recommend that it be followed during the ensuing project study work.

Wetland Mitigation in Parks

The SHA has not yet quantified wetland impacts for the various ICC alternatives under study. As this information is developed and reviewed, the specific needs for mitigation and/or replacement will be evaluated. Staff agree with SHA's statements that the majority of wetlands impacted are in M-NCPPC's stream valley parks and that the federal permitting agencies will probably require extensive in-kind (wetland construction) and out-of-kind (stream restoration) mitigation. Staff anticipate that as the study process proceeds in accordance with the Memorandum of Understanding, additional mitigation requirements from state and local permitting agencies for such things as forest conservation and stormwater management will also be detailed and evaluated.

Staff agree that the Park Commission should consider allowing some mitigation (e.g., wetland, forest conservation, stormwater management) on parkland in conjunction with the ICC alternatives under study. However, each individual mitigation project should be reviewed -- perhaps as part of a comprehensive mitigation package -- to ensure that the park system is not losing more, in terms of natural, recreational, or cultural functions and values,

than it is gaining as a result of the mitigation effort.

Replacement Parkland

Staff agree with the SHA that ICC alternatives will impact substantial portions of M-NCPPC's park systems and that SHA will need to replace these impacted portions. As part of the on-going ICC study process, staff has been and will be working with the SHA to identify and document the nature and extent of park impacts associated with each ICC alternative. As the study process unfolds and the impacts of each alternative are more specifically quantified, the replacement needs will be identified and evaluated. Until these needs are clearly understood, it is necessary to discuss the availability of replacement parkland in a general fashion.

The SHA has asked for a letter stating that adequate replacement acreage is available. SHA would like to include this letter in the Draft Environmental Impact Statement (EIS) for the ICC. The Draft EIS is slated for completion in March, 1997. Page 2 of the Memorandum of Understanding (Attachment ~~1~~) provides policy guidance on this issue: //

At a minimum, parkland required for the project, including such off-site acreage required for stormwater management and wetlands mitigation, will be replaced by SHA on an acre-for-acre basis. The replacement land will be of equal or greater natural resource, recreation and economic value as the parkland taken for or impacted by the project.

Staff have drafted a letter in response to SHA's request (see Attachment 1). Although the letter is general in nature, it does make the following points:

- through the on-going ICC study process, staff will continue to work with SHA on issues involving wetland mitigation and park replacement;
- the Memorandum of Understanding between the M-NCPPC and SHA sets forth an approach to resolving the aforementioned issues; and
- based on the general availability of undeveloped land in the county, staff believe that should one of the build alternatives be selected for the ICC, adequate replacement parkland can be located in Montgomery County.

The letter also includes a locational hierarchy for these replacement lands and suggests that they be:

- 1) contiguous to existing parkland in vicinity of area impacted;

- 2) within same sub-watershed or watershed as area impacted; and
- 3) within Montgomery County.

Specific parcels have not yet been identified for replacement acquisition. This effort will be initiated once the Draft EIS is released and reviewed later this year. Following completion of the work, staff would present a package of recommended acquisitions to the Park Commission for review and approval. Depending upon the particular ICC alternative ultimately selected, staff may recommend to the Park Commission that M-NCPPC be compensated for park values, as well as land, lost as a result of the ICC project. These value considerations could for example include the Paint Branch brown trout fishery, habitat for forest interior birds (e.g., ovenbird, kentucky warbler), the trolley museum, and ball fields. Compensation could take the form of additional land acquisitions beyond a one-for-one replacement or new recreational facilities in existing or future parks.

SHA believes that properties already planned or programmed for purchase by the M-NCPPC (such as parcels in the Paint Branch Special Protection Area) would be ideal for providing the needed park replacement. Staff however, do not agree with this strategy unless it was coupled with a mechanism to expand the overall park system resulting in no net loss of overall park holdings. This strategy should be investigated further as specific replacement proposals are developed.

Policy guidance to SHA's remaining issue (i.e., whether replacement parkland would be required if wetland mitigation is accomplished in parks) appears on page 2 of the Memorandum of Understanding (Attachment ~~A~~):

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At a minimum, parkland required for the project, including such off-site acreage required for stormwater management and wetlands mitigation, will be replaced by SHA on an acre-for-acre basis.

Accordingly, staff suggest that SHA provide replacement parkland for mitigation accomplished in parks.

Attachments 1-4

pc: Donald K. Cochran

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Attachment # 1
January 10, 1997
Memorandum from
Hench et al. to
Montgomery County
Park Commission

January 10, 1997

Mr. Neil Pedersen, Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
707 North Calvert
Baltimore, Maryland 21202

Dear Mr. Pedersen,

Thank you for your letter concerning the on-going work to identify wetland mitigation and park replacement issues relative to the ICC project study.

As the specific impact information is developed through the preparation, public distribution and subsequent review phases of the Draft Environmental Impact Statement (DEIS), we will continue to work with you on how to resolve these issues.

The Memorandum of Understanding (MOU) between our agencies referenced in your letter sets forth an approach to these issues on which we reaffirm our support.

Staff are confident that it will be possible to identify adequate mitigation sites and replacement property (of equal or greater value) in Montgomery County for each of the alternatives as anticipated in the MOU. As discussed and generally agreed with your staff, at this point in the process, the preferred priority for locating replacement land would be :

- 1) contiguous to existing parkland,
- 2) within the same sub-watershed or watershed, and
- 3) within Montgomery County.

Such replacement parkland should as nearly as possible duplicate the function and ecological/cultural values of lands impacted. On the last point, it may be necessary to consider replacement at a greater than acre-for-acre basis. The findings of the impact studies relative to natural resources should address this concern and assist in this mutual determination.

We acknowledge your recognition and concern that some mitigation sites will need to be considered on park property. Such specific situations will need to be presented and reviewed on

a project-by-project basis. However, in accordance with guidance set forth in the MOU, we suggest that replacement parkland should be provided for mitigation which may be anticipated in parks, as well as other parklands, which are otherwise directly impacted or taken. This may be reviewed on a project-by-project basis in respect to the specific proposed mitigation measure.

Finally, you have suggested consideration of already planned or programmed parklands for replacement lands. Our concern is to maintain no net loss in the overall park system and as such, this proposal will need further consideration as specific replacement proposals are developed.

We trust that this helps clarify our position and concerns at this time and look forward to reviewing the specific proposals as they are developed.

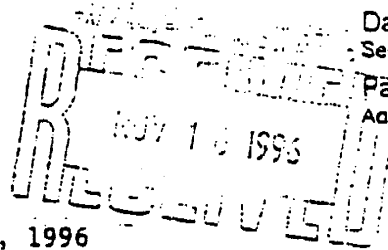
Respectfully yours,

William H. Hussmann
Chairman
Montgomery County Park Commission

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Maryland Department of Transportation
State Highway Administration



David L. Winstead
Secretary
Parker F. Williams
Administrator

November 14, 1996

RE: Project No. MO971B12
Intercounty Connector (ICC)
I-270 to US 1
Montgomery and Prince George's
Counties, Maryland

Mr. Rodney Irwin, Director
Montgomery County
Department of Parks and Planning
8787 Georgia Avenue
Silver Spring MD 20910-3760

Dear Mr. Irwin:

We have been working with your staff to resolve issues related to wetland mitigation and park replacement for the ICC project. As you know, finding adequate sites to fulfill these mitigation/replacement requirements is likely to be one of the most challenging aspects of this study.

The majority of the wetlands being impacted by the various ICC alternatives are located within the stream valley park systems in the study area. While we have not yet quantified the impacts, we anticipate that they will require extensive in-kind (wetland construction) and out-of-kind (stream restoration, etc.) mitigation. The environmental and regulatory agencies will require that we provide this mitigation as close to the impacted sites as possible. We have conducted a search in the area watersheds to identify potential mitigation sites both in parks and on private properties. After our initial screening and upcoming field reviews with the agencies (which will begin in November), the number of suitable sites will likely be substantially reduced. This number will be reduced even further pending future discussions of interest with private property owners.

In order to meet our mitigation requirements for this project, we will need to accomplish at least part of the wetland mitigation on park property. We are requesting your approval of this strategy for the ICC. We believe that replacing wetlands in the same parks in which they are impacted will enhance the park ecosystems. We also see the ICC mitigation effort as an opportunity to actually improve some of the park stream and wetland systems that may be deteriorating. A couple of related issues we would like to discuss are A) whether suitable areas along streams on properties not yet purchased in the Paint Branch Special Protection Area (SPA) or other areas could be reserved for future wetland mitigation B) whether replacement park property would be required if wetland mitigation were accomplished in the parks.

My telephone number is (410) 545-0411

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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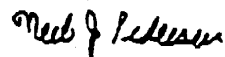
Mr. Rodney Irwin, Director
Page Two

There are similar issues related to the park replacement policy established in the October 1989 Memorandum of Understanding between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the State Highway Administration, as well as subsequent staff recommendations. The ICC alternatives will impact substantial portions of the park systems in the study area which we will need to replace. Your staff is working now to identify appropriate park replacement sites to fulfill this requirement and provide a letter to us stating that adequate acreage is available. This information is needed for inclusion in the Draft Environmental Impact Statement which is slated for completion in early 1997.

We believe that properties already planned or programmed for purchase by M-NCPPC (such as parcels in the Paint Branch SPA) would be ideal for providing the needed park replacement these sites have already been identified as desirable park additions, and the ICC could be the mechanism to fund their purchase. Also, we would suggest that other parcels needed for park replacement be included in M-NCPPC's master plan as public lands so that they will be protected from future development until we are able to purchase them.

After you have had a chance to discuss these issues with your staff, please let us know your position or thoughts on them. You can contact either Gay Olsen, Environmental Manager, or Alan Straus, Project Manager, if you have any questions or would like to arrange a meeting to discuss these items in more detail. Gay can be reached at (410) 545-8504, and Alan at (410) 545-8530.

Very truly yours,



Neil J. Pedersen, Director
Office of Planning and
Preliminary Engineering

cc: Mr. Joseph Anderson
Mr. Dennis Atkins
Mr. Louis H. Ege, Jr.
Ms. Susie Jacobs
Mr. Eric Ruby
Mr. Ron Rye
Ms. Renee Sigel
Ms. Cynthia Simpson
Mr. Alan Straus
Ms. Sandi Trent
Ms. Cynthia Wilkerson